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6 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 YUAN HAOXUAN,
15 Defendant.
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Case No. 5:23-po-00365-CDB
[Citation #E1919401, CA71]

MOTION TO CONVERT MANDATORY
APPEARANCES TO COLLATERAL

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18 The United States of America, by and through Phillip A. Talbert, United States Attorney, and
19 Chan Hee Chu, Assistant United States Attorney, hereby moves to convert [Citation #E1919401, CA71]
20 in Case No. 5:23-po-00365-CDB against Defendant YUAN HAOXUAN in the interests of justice.

21 The citation in this case was properly issued as a mandatory appearance within the discretion of
22 the citing officer. Under the bail schedule for the Eastern District of California, “Operating a motor
23 vehicle off road in undesignated areas,” in violation of 36 C.F.R. § 4.10(a), is an offense for which an
24 officer is expressly authorized to issue a mandatory appearance citation or a \$750 collateral citation for
25 the more serious of such violations (“Joyriding” vs. “Parking”).

26 Although the citation was issued properly as a mandatory citation, the United States seeks to
27 convert the citation to a collateral amount. Based on the available information, Defendant appears to
28 have taken early responsibility and learned a valuable lesson as to the alleged misconduct, having had to

1 be transported for medical treatment. The United States therefore believes a collateral amount of \$750
2 (a significant sum for misdemeanors) to be a fair outcome in the interests of justice. *See also James &*
3 *Elizabeth Console Fam. v. United States*, No. 23-CV-652-DMS-BLM, 2023 WL 6120609, at *4 (S.D.
4 Cal. Sept. 18, 2023) (“Prosecutorial discretion is defined as [a] prosecutor’s power to choose from the
5 options available in a criminal case, such as filing charges, prosecuting, not prosecuting, plea-
6 bargaining, and recommending a sentence to the court.” (internal quotation mark and citation omitted)).
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9 DATED: December 31, 2023

Respectfully submitted,

10 PHILLIP A. TALBERT
United States Attorney

11 By: /s/ Chan Hee Chu
12 CHAN HEE CHU
Assistant United States Attorney
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ORDER

IT IS HEREBY ORDERED on the motion of the United States of America that [Citation #E1919401, CA71] in Case No. 5:23-po-00365-CDB against YUAN HAOXUAN be converted to a bailable citation with collateral amount of \$750 and a \$30.00 processing fee.

IT IS SO ORDERED.

Dated: **January 3, 2024**


UNITED STATES MAGISTRATE JUDGE